

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554**

In the Matter of)
)
Numbering Resource Optimization) **CC Docket No. 99-200**

COMMENTS OF CINCINNATI BELL TELEPHONE COMPANY

Cincinnati Bell Telephone Company (CBT), an independent, mid-size local exchange carrier, files these comments in response to the Commission's October 17, 2001 Public Notice regarding the proposed national thousands-block number pooling rollout schedule.¹

I. INTRODUCTION

Under the proposed rollout schedule the 513/283 numbering plan area (NPA) is scheduled to implement thousands-block number pooling in the first quarter (i.e., March 15 – June 15, 2002). CBT has several concerns about implementing pooling in this NPA in the first quarter and recommends that the 513/283 NPA be moved to the fifth quarter. CBT is also concerned about some of the timeframes established in the rollout schedule and the lack of a cost recovery mechanism for ILECs.

The First Report and Order² established criteria for determining which NPAs should initially be pooled and it appears that the proposed rollout schedule was developed with those factors in mind. However, the First Report and Order also allows the Commission and the state commissions discretion in determining where an NPA falls in the implementation schedule.

¹ *Number Resource Optimization*, Public Notice, "The Common Carrier Bureau Seeks Comment on the National Thousands-Block Number Pooling Rollout Schedule", DA 01-2419, (rel. October 17, 2001).

² *Number Resource Optimization*, CC Docket No. 99-200, *Report and Order and Further Notice of Proposed Rulemaking*, FCC 00-104 (rel. March 31, 2000). (First Report and Order)

While application of the objective criteria of the First Report and Order may have been appropriate in developing the proposed schedule, CBT believes that it is important for the Commission to now factor in the unique circumstances surrounding each of the NPAs. This information can only be provided by the state commissions and carriers operating within the NPAs. Therefore, CBT urges the Commission to carefully consider the input it receives from the state commissions and carriers in response to this Public Notice and revise the proposed implementation schedule accordingly.

II. POOLING FOR THE 513/283 NPA SHOULD BE DELAYED

The 513 NPA currently has a jeopardy declaration in effect and a projected exhaust date of the second quarter of 2003. An overlay code (283) has been approved and mandatory 10-digit dialing is scheduled to take effect on June 29, 2002. Although this NPA satisfies the First Report and Order criteria for determining which NPAs qualify for pooling in the initial rollout,³ CBT submits that the potential adverse impacts of implementing pooling in the first quarter outweigh any minimal benefit that might accompany a first quarter implementation. For the reasons described below CBT recommends that pooling for the 513/283 NPA be delayed until the fifth quarter of the rollout schedule.

A. Requests for NXX Codes in the 513 NPA Have Slowed Considerably

When jeopardy was declared for the 513 NPA on May 8, 2000, the North American Numbering Plan Administrator (NANPA) forecasted that the codes would exhaust in the second quarter of 2003. Circumstances have changed considerably since that time making the likelihood that the 513 NPA will actually exhaust by that date extremely remote. First, CBT returned 120

³ *Id.* at ¶161.

protected NXX codes when 10-digit dialing was implemented between CBT's Ohio, Kentucky, and Indiana territory. Second, the implementation of the First Report and Order's number conservation measures, particularly the months-to-exhaust and utilization threshold requirements, have slowed the demand for new NXXs. Finally, the slowdown in CLEC activity has lessened the demand for new NXXs. The following usage and inventory data reflect the impact of these factors.

The rationing procedures implemented in conjunction with the jeopardy declaration allowed for 10 NXXs to be allocated within the 513 NPA each month. Over the past year, the average assignment rate has been only four codes per month. As of the end of September 2002, NANPA reports that there were 577 NXX codes assigned in the 513 NPA and 171 codes available for assignment. Although the jeopardy declaration remains in effect for the 513 NPA, at the current pace at which codes are being requested, the 513 NPA will not exhaust until the second quarter of 2005.⁴

With the aforementioned usage rate and inventory, it is unlikely that the 283 code will be opened prior to mid-2003. Therefore, a delay in pooling until the fifth quarter will not impact the 283 NPA. Furthermore, if pooling for the 513 NPA is also delayed until the fifth quarter, the application of sequential number assignment will ensure that the majority of thousands-blocks within full NXX codes assigned in the interim period will not be contaminated and, therefore, will be eligible for donation to the pool. This fact, in conjunction with the lessened demand for

⁴ On October 17, 2002 the code holders in the 513 NPA agreed, via the Consensus Process, that given the low rate of code assignment coupled with the central office code inventory, rationing should be eliminated, allowing service providers to make central office code assignments at any time during the month rather than during a specific window. (See NANPA document released on October 24, 2001 for the complete conference call meeting minutes.) Given that code requests have been well under the maximum allocation provided for under rationing, CBT would not expect the elimination of rationing to have any significant effect on the number of codes assigned prospectively.

NXXs within the 513 NPA, suggests that the benefits of implementing pooling in the first quarter relative to the fifth quarter are insignificant.

B. Switch Upgrades Will Not Be Completed Until Fourth Quarter 2002

Switch upgrades are necessary in order to donate thousands-blocks to a pool and to then receive thousands-blocks from the pool. Although CBT is currently in the process of upgrading its switches to the appropriate generic to accommodate the pooling feature, the upgrades will not be completed in all of its switches in the 513 NPA until the end of 2002. The switch vendors have indicated that they cannot complete the upgrades any sooner than the current schedule provides. Thus, although CBT has begun preparations for pooling (e.g., purchase of Efficient Data Representation (EDR) software, implementation of IT changes, etc.) it will not be in a position to donate numbers to or receive numbers from a pool until after its switch upgrades are complete in December of 2002.

C. 10-Digit Dialing for the 513/283 NPA Begins on June 29, 2002

Mandatory 10-digit dialing to accommodate the new 283 area code overlay begins on June 29, 2002. CBT personnel are currently working to make the necessary modifications to accommodate 10-digit dialing. The personnel working on 10-digit dialing will be the very same personnel who will be required to implement pooling. In addition, many of the same systems and databases will require modification to implement pooling and 10-digit dialing. Wherever possible CBT is trying to coordinate the two projects to avoid duplication and reduce costs. However, since the 10-digit dialing implementation date has been known for quite some time, CBT has already allocated resources and signed contracts with outside vendors based on the 10-digit dialing schedule. If CBT must implement pooling in the first quarter, it will not be possible

to condense the 10-digit dialing schedule to meet the pooling schedule and much of the savings that would otherwise be realized by coordinating the two projects will be lost.

Furthermore, although many of the same systems and databases will be affected by the two projects, the changes required are not identical. Implementing pooling will take extra time and resources over and above those already planned for 10-digit dialing. Undertaking two major projects like this simultaneously increases the chance for error in both. This is a particular concern for CBT since it has no previous experience with pooling. Allowing CBT additional time beyond the 10-digit dialing date will enable CBT to undertake the review and testing necessary to ensure a smooth transition to pooling.

III. GENERAL CONCERNS REGARDING THE ROLLOUT SCHEDULE

Several general aspects of the rollout schedule raise additional concerns for CBT. First, is the apparent conflict with the provisions of the First Report and Order; second is the specificity of the proposed dates for implementing thousands-block pooling for specific NPAs; and finally, is the fact that the cost recovery mechanism for ILECs has still not been addressed.

The First Report and Order indicated that each round of implementation would be announced “at least six months prior to the effective date.”⁵ Under the proposed rollout schedule, pooling would begin in some NPAs in March of 2002 (the 513/283 NPA would begin pooling in April 2002). Since the final pooling schedule obviously will not be released prior to the receipt of reply comments on this Public Notice (Reply Comments are due on November 16, 2001), carriers in the first round of the proposed rollout schedule will not have six months advance notice. While this may not be a significant issue for carriers that have prior experience implementing thousands-block pooling via the numerous state pooling trials, carriers, like CBT,

⁵ First Report and Order at footnote 384.

that have no prior experience with thousands-block pooling will need six months or more to prepare for implementation. As indicated above in Section II.B., for carriers that must upgrade switches, even six months may not be sufficient time to complete all of the upgrades necessary for pooling. Therefore, CBT recommends that the Commission adjust the final pooling schedule to give all carriers at least six months advance notice.

Attachment A of the Public Notice sets specific dates on which various actions are to be taken within the NPAs slated for first quarter implementation. CBT questions the need for the Commission to set any specific dates other than the date of the first implementation meeting and the pool start date. The implementation meeting should be used to set the intervening dates after assessment of the unique circumstances of the NPA and the carriers. It is only through this collaborative process between the pooling administrator, the appropriate state commission and the service providers operating in the NPA that a realistic forecast date, block protection date, block identification date, etc. can be determined.

The lack of any action by the Commission to allow ILECs to recover their costs of implementing thousands-block pooling is of great concern to CBT. CBT will incur significant costs for network upgrades and major modifications to its ordering, provisioning, billing and repair systems. To date, CBT has identified approximately 130 systems/interfaces which must be modified to implement pooling. As of this date CBT has no means by which to recover those costs. The uncertainty surrounding this issue is particularly troubling during the current economic downturn. Carriers are already being forced by the economy to significantly scale back capital budgets, curb expenses, and reduce staffing. Adding to this equation thousands-block pooling, upon which ILECs realize no return on their investment and have no discernable means of even recovering their costs, further exacerbates the problems carriers are

wrestling with during this challenging time. CBT urges the Commission to act quickly to implement a cost recovery mechanism for ILECs.

IV. CONCLUSION

CBT urges the Commission to consider the unique circumstances impacting each NPA and modify its schedule accordingly to minimize any adverse consequences that may result from a hurried implementation. For the 513/283 NPA specifically, CBT recommends that the Commission delay pooling until the fifth quarter of the rollout schedule. CBT also urges the Commission to promptly adopt a cost recovery mechanism for ILECs.

Respectfully submitted,

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